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DECLARATION OF Ex. 6 Personal Privacy (PP)

1. My name is Ex. 6 Personal Privacy (PP) I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

2. For the reasons related to the operation of the Stone's Throw Landfill (landfill) that I explain below, I have lived in Selma, Alabama, which is more than 80 miles from Tallassee, since 1978.

3. I am a Ex. 6 Personal Privacy (PP) Black woman, who was born and raised, along with my seven siblings, in the Ashurst Bar/Smith community. Six generations of my family have lived in this remarkable, close-knit community.

4. Ashurst Bar/Smith is an unincorporated, predominantly African American community that is located at the southernmost tip of Tallapoosa County, Alabama and adjacent to the northern Macon County border.

5. I remain deeply connected to the Ashurst Bar/Smith community, in spite of living in Selma, in part because my family's property at Ex. 6 Personal Privacy (PP) is located about 1.5 miles from the landfill (as of the landfill's last expansion). My mother, who was born in a nearby community and moved into this area as a child with her 13 siblings and parents, died on February 1, 1990 from cervical cancer. Today, my brother Ex. 6 Personal Privacy (PP) and his family, continue to live on this property on Ex. 6 Personal Privacy (PP) which, following the landfill's expansions, is now extremely close to the landfill. I also have many friends and extended family who live in Ashurst Bar/Smith, and bear the negative effects of living close to the landfill, including Ex. 6 Personal Privacy (PP), an elder in my community, her son, Ex. 6 Personal Privacy (PP)

6. When I was growing up, we were surrounded by family on Ex. 6 Personal Privacy (PP). For example, my great-aunt and her son lived on property on Ex. 6 Personal Privacy (PP) where my great-grandfather also had lived. Today, my cousin and my brother and his family are the only families that physically live on Ex. 6 Personal Privacy (PP)

7. Our family property means everything to us. My great-grandparents were slaves who came to the community in the 1800s as documented by the 1880 U.S. Census. Attached is a copy of that census. The land in the Ashurst Bar/Smith community is one of the only tangible, valuable things that my great-grandparents, as former slaves, were able to pass on to their descendants. My parents lived through Jim Crow segregation in Alabama, the cradle of the confederacy. Their land is all that they had to pass onto me and my siblings in terms of wealth. To take this land away from their descendants, like me and my brother, who live on and maintain ownership of the land—by the landfill essentially making our family's land unbearable to live on—is to extinguish everything that we have to connect us to our heritage and history.

8. Despite being forced to live away from my family's property, my family, and my friends in the Ashurst Bar/Smith community, I consider myself a leader in the community I have continued to raise my voice in opposition to the landfill and its expansions in my capacity as a member of the Ashurst Bar/Smith Community Organization (ABSCO). ABSCO's mission initially was to prevent the re-opening of the landfill in the 1990's. For example, in the late 1990's, ABSCO was led by a steering committee and represented the community who lived near the landfill. Despite that some of the original members moved away or died, ABSCO's mission has since been to challenge any expansions of the landfill and protect against the harm caused by the landfill in the community.

The Landfill

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9. I believe that the landfill first opened in the 1980's when I was a young adult. My mother was outraged about what the existence of the dump in our community meant then and would mean going forward for our community. It started out as a small brush dump and eventually was purchased and expanded upon by a waste management company sometime in the mid-to-late 1990's (maybe 1999). I recall that some members of the community still used well water. I am not sure when the dump closed, but my understanding is that it closed because it was not properly designed. I can only imagine what Ashurst Bar/Smith community members were exposed to in terms of health hazards during the initial operation of the dump. In or around the year 2000, the landfill came under new management and proposed to reopen without the community's knowledge or a proper assessment of the social, environmental, or economic impacts to the affected majority-Black community. To this day, that assessment has never happened as far as I am aware.

10. In 2003, the U.S. Army Corps of Engineers sent me a map that showed that the landfill planned to encroach on two acres of my family's land, the only land left directly across from the then-existing landfill, by redesigning [Ex. 6 Personal Privacy (PP)] to expand their operation. Based on the map that I saw, not only did the landfill plan to take over my two acres of land, but they also planned to move the road—which was the road of my childhood—to have access to additional land. They were apparently going to use eminent domain to take my land against my will. Since the death of my mother in 1990, I have refused to sell those acres despite repeated inquiries. I realized that if I let the landfill expand by allowing it to buy part of my family's land, my family and I won't ever be able to go back to where my family has lived since the 1800s.

11. Although the landfill's management never contacted me directly seeking to buy our land, I felt that these inquiries were made on behalf of the landfill. My feeling is not unreasonable based on other landowners being approached to sell their land. Other acreage on the same side of the original landfill site was expanded to the property of my first cousin's grandparent. That property was sold as a result of a legal matter, and the landfill came to own that land.

12. Since around 2003, when I first began complaining about the landfill, there have been multiple modifications to the landfill such that it now spans more than 175 acres in East Tallassee with a new disposal site of more than 124 acres. It is literally in the front yards and backyards of my family's property and that of their neighbors like the [Ex. 6 Personal Privacy (PP)]

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The Title VI Complaint Against the Alabama Department of Environmental Management

13. In 2003, I filed a Title VI of the Civil Rights Act complaint with the Environmental Protection Agency's (EPA) Office of Civil Rights (OCR), challenging the Alabama Department of Energy and Management's (ADEM's) permitting of the landfill. By 2003, I also was concerned about the potential for contamination as a result of water runoff from the landfill onto [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)] I saw that the landfill had not been properly covered with grass and it was washing over two acres of our family's land. Notably, as of January 2016, there still was a muddy path from the landfill across the road from the now-expanded site.

14. More than 10 years later, the EPA OCR is still investigating my complaint. I am providing this declaration in support of my complaint and, given the passage of time, what I have come to understand to be an unacceptable reality: ADEM and Alabama counties, like Tallapoosa, receive federal money *without* considering the racial and socioeconomic impact of their permitting

and siting decisions on Black communities in places like the Ashurst Bar/Smith community in East Tallassee. Indeed, of the five landfills that I was aware of in Tallapoosa County, Alabama - based on the Ex. 6 Personal Privacy (PP) report that I believed has been submitted to the EPA OCR in support of the 2003 complaint - four of them were located in African-American communities. As far as I am aware, neither ADEM nor the Tallapoosa County Commission has ever conducted an impact or demographic study in advance of the reopening of the landfill or its subsequent expansions in East Tallassee.

15. Since before 2003, I have remained concerned with the failure of state agents to provide early, open, and meaningful participation from the citizens in the affected Ashurst Bar/Smith community.

16. Since around 2003, state officials have permitted the landfill to continuously expand to the acreage that I mention above and receive more and more garbage in our backyards, such that now we bear the burden of living surrounded by other people's waste, received from all of counties in Alabama (and I believe that there are 67) and three counties in Georgia (Harris, Muscogee, and Troup counties).

17. Since at least 2003, I have taken community complaints about the landfill to every elected official that I thought would and should listen, including the Alabama Governor, state legislative members, congressional representatives, and county commissioners, but I was brushed off.

18. I also took community complaints about the landfill to ADEM (for example, by submitting written comments), but to date they have repeatedly responded to them by stating that our concerns are outside of the scope of ADEM's authority to address. I also have been particularly shocked and angered by the feeling that I am being admonished by ADEM officials for even raising these complaints, based on the tone of their responses to my complaints to this agency.

19. I have all but given up that anyone will listen to us, including ADEM and the federal government. Things get worse but no one does anything. The last two times that the landfill applied to ADEM for approval to expand again, including in March of 2015, I didn't see the point of saying anything: no one ever listens anyway. I feel like we are disrespected.

Impacts

20. The community complaints that I am aware of related to the landfill and its continued expansion involve: (1) contaminated water and damage to natural resources and habitats; (2) foul odors and air quality; (3) scavengers, bugs, and wild animals; (4) health issues; (5) displacement of people, diminished property values, and enjoyment of land; and (6) safety concerns (traffic and accidents).

21. Water and damage to natural resources and habitats. Many people in the Ashurst Bar/Smith community believe that the landfill has contaminated the wells, springs, streams, and other waterways in the community (like Gleeden Branch) such that many people I know have stopped drinking from those free resources.

22. Prior to when the landfill initially started as a dump, we lived off of private wells, some of which were shallow (which also was typical of the wells of my neighbors), and had no water quality issues or problems. However, at least by the time that the landfill reopened, most everyone, I believe, switched over to public water and had to start paying for it.

23. I recall that on or around August 2000, tests were done on some residential water (based on my review of the Whatley Drake LLC report that I believed has been submitted to the

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EPA OCR in support of the 2003 complaint) and an investigation found that water from one of the underground springs that people were drinking from contained arsenic, toluene, and lead. That means for nearly 20 years, between the 1980's and early 2000's, we didn't know what we were drinking.

24. Currently, private wells are open for use, even though many people do not use them, and, as far as I know, no one from the county health department has conducted inspections on the wells.

25. I understand that animals have stopped drinking water from the wells, streams, springs, and other waterways in our community. I have heard many individuals say that they have stopped gardening because of the fear of what they will be eating that has been "nourished" by contaminated water from these sources.

26. It should be understood that free water and the ability to garden are valuable resources in the Ashurst Bar/Smith community in which the majority of the people live in poverty. Since people have stopped using their wells, the public water serviced by the Wall Street Water Authority is used by many people. In a community where many people are impoverished, it is a shame that they feel that they have to pay for water when they used to have access to free water through the wells. I know from the experience of my brother that it is an extreme expense for people who have livestock to water their livestock off of paid water when they used to have free water. As a result, I know that many of these already under-resourced families buy bottled water to provide themselves with some peace of mind about what they are putting into their bodies and that of their children.

27. Odors and air quality. Whenever I visit my family and friends in the Ashurst Bar/Smith community, I am immediately struck by the foul odors that come from the landfill. The odors are of the natural decomposing of waste (i.e., rotting). Others have complained of chemical odors. The air is worse on some days than others, but it always stinks.

28. I have a document dated June 4, 2003 (attached) showing that the operators wanted an exception to the requirement that you cover the garbage with fill dirt so that they would only be required to use a tarp for coverage. I imagine that their reasoning for this request was to have more area to fill with garbage—that is to say, dirt fill takes up more space that otherwise could be used to fill with garbage—regardless of the impact, particularly the conditions people in the community are exposed to when non dirt-filled sites are rained on. That request reflected the lack of care with which landfill operators attempted to treat our community.

29. Also, early ADEM reports, which I believe are part of the public record, indicated that there were elevated methane gas levels at the landfill. At some point, a system was installed that flares into the community's air, and can be seen lighting up the dark night's sky. The flare also poses a major concern because there is a natural gas line that separates an active site on the landfill and other landfill property (that was bought from the Ex. 6 Personal Privacy (PP) which is a critical safety issue.

30. As a result of the odors, my family and other members of the community have stopped gathering for barbecues outside because we cannot tolerate the foul odors.

31. Because of the foul odors coming from the landfill, the local church cannot function without having installed an air filtration system, which its members paid for. Outside activities that foster fellowship (for example, Easter egg hunts, Bible study, etc.) are now nonexistent because of the foul odors coming from the landfill.

32. Scavengers, bugs, and wild animals. Flying crows, wild animals, biting bugs, and rodents have transformed the beauty of the rolling red-clay hills and springs that run through the

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Ashurst-Bar/Smith community. I have seen the swarms of crows that fly over the landfill as they feed on the garbage. Members of the community have talked about the annoying bugs that swarm in the area near the landfill. I have spoken to people about the presence of rodents and wild dogs that have become more plentiful in the community. All of these animals and insects have the potential to transfer diseases.

33. I have two great-nieces and I fear for their safety because of what could be in the woods that they cannot see due to the lack of street lighting.

34. Health. I have heard conversations concerning families in which more than one person has died from cancer and individuals with conditions like headaches, respiratory problems, itchy skin, and depression. My own mother died of cervical cancer, as I mentioned above, and though I don't know if it was caused by pollution from the landfill, I believe that the landfill has put all of the Ashurst Bar/Smith residents at risk.

35. In my conversations, I have been told that people avoid traveling the road past the landfill because it is depressing. However, the children during the school term have no choice but to pass by the landfill in the morning and in the afternoon. One can only assume the psychological harm imprinted in their mind by living in proximity to the landfill.

36. Displacement of people, and diminished property values and enjoyment of land. Since the landfill came into the Ashurst Bar/Smith community, I have learned that families (like the Ex. 6 Personal Privacy (PP)) have sold their property to the landfill, and relocated farther away from the landfill or entirely out of the community. None of these families could stand to live near the landfill any longer.

37. Typically, no one else but the landfill wants to purchase property near the landfill. I believe that all of our land has lost value because of its proximity to the landfill. It is an eyesore. It disturbs the natural beauty of the land and quiet of the area.

38. I had once looked forward to retiring in the Ashurst Bar/Smith community to be able to spend time with our family and friends there. Ultimately, I did not retire to this community, which brings great pain to me, because of the burdens of living near the landfill and the fear of its health impacts. Indeed, when I referenced Ex. 6 Personal Privacy (PP) I also did so because we are all children of people who lived on the land, but most of us had to leave the land because of employment and education issues in the late 1960s and 1970s. And now would be the season of life for us to go back and enjoy our property. But how do you go back and be faced with a landfill in your front yard or your backyard? The only buyer for our property would be the landfill if we had to sell it. We can still live there now, as Ex. 6 Personal Privacy (PP), as well as my friends, Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) do, but it's a hardship. That's why people are leaving – they get the offer and they leave. So now there is no value to our property other than the sentimental value of having it and trying to hold on to it.

39. Safety. Since the landfill came into the Ashurst Bar/Smith community, I know that parents, including my brother and sister in-law, worry that their grandchildren (such as my two great-nieces and great-nephew) will be injured or killed as they play or catch their school bus because of the garbage trucks, tankers, and other heavy equipment serving the landfill. I have heard my brother and sister-in law and other parents explain how they worry about sending their children out to play in their yards and or to get on and off of the school bus because of trucks and tankers that speed at 50-plus miles per hour along their curvy, narrow country roads, where there are many blind spots, en route to and from the landfill.

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40. The trucks and tankers damage the narrow country roads and bridges, which were not built for vehicles of this weight. Except for some of the pavement, the structure of the roads has more or less been the same since I was born.

41. On February 5, 2005, a garbage truck caught on fire on Ex. 6 Personal Privacy (PP) in the front of my brother's house. But there was no emergency response in proximity for such an event.

42. Other trucks are uncovered so debris from them flies onto the roads and onto our land.

43. What also amazed me was that I initially just thought that the landfill would be serviced by regular household garbage pickup trucks. But when I started seeing transfer trucks full of garbage coming into our community, I could not believe that this government would do this to any American. I believe in the United States government's system, but to be defiled, humiliated, and disrespected like we don't matter is horrible.

Conclusion

44. Given all of these impacts on the Ashurst Bar/Smith community, I am not aware that anyone from any state, county, or local office has approached my brother or anyone else in the community about their deteriorating quality of life issues. The contaminated air, soil, and water, and the presence of wildlife, diminishes the quality of life that the 14th Amendment to the U.S. Constitution affords to all of us. As citizens, we are entitled to have the same property and enjoyment of life that everybody else does. But that has been taken away from our community because of the landfill.

45. I believe that these impacts are happening and are allowed to happen because we are Black people. The landfill is running Black people off of their property and leading to Black land loss. To me, this is all blatant racism.

* * *

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Selma (city), Dallas (county), Alabama on

July 29, 2016.

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ATTACHMENTS

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ENVIRONMENTAL CONSULTING & ENGINEERING, INC.

Civil & Environmental Engineering • Land Surveying

June 4, 2003

Mr. Jonathan Crosby
Solid Waste Branch, Land Division
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36110



Re: Comments on Draft Permit
Tallasse Waste Disposal Center, Inc.
Tallapoosa County
Permit # 62-11

Dear Mr. Crosby:

We have reviewed the draft permit and would like to submit the following:

Page 10 Section III E. - The drainage layer should be: HDPE drainage net, 8 oz non-woven geotextile fabric and one foot of sand or on-site soils with a permeability of 1 x 10 (-3) cm/sec or greater. An alternate drainage layer will consist of 8 oz non-woven geotextile fabric and two feet of sand, pea gravel or on-site soils with a permeability of 1 x 10 (-3) cm/sec or greater which exhibits an equivalent hydraulic flow rate.

Leachate recirculation - The facility is requesting the use of leachate recirculation to reduce the amount of leachate to be treated and to enhance the breakdown of the in-place waste. This recirculation will be accomplished by installing small diameter PVC pipes within the waste lifts in a fashion similar to a 'field bed'. This would allow a slow and level introduction of the liquid into the waste. The pipes will be abandoned in place as the next lift of waste is placed and new pipes will be installed in the next lift. The facility is also requesting that the leachate be sprayed on the working face by using a spray bar attached to the pump discharge line.

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Mr. Crosby
June 4, 2003
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Alternate Daily Cover (ADC) – The facility is requesting the use of tarps, or other approved method, for daily cover in order to reduce the amount of airspace lost to the placement of cover soils. The facility will, at a minimum, place soil cover at least once a week on Friday or Saturday so that the waste will not remain uncovered over the weekend.

Should you have any questions or need additional information, please feel free to give a call.

Sincerely,

Environmental Consulting and Engineering, Inc.



Glen B. Smith, P.E.

C: Mr. Durward Jackson, III
TWDCI

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1880 United States Census Household Record

Household Record

1880 United States Census

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Household:

| Name | Relation | Marital Status | Gender | Race | Age | Birthplace | Occupation | Father's Birthplace | Mother's Birthplace |
|-----------------------------|----------|----------------|--------|------|-----|------------|------------|---------------------|---------------------|
| Ex. 6 Personal Privacy (PP) | Self | M | Male | B | 28 | GA | Farmer | GA | GA |
| | Wife | M | Female | B | 27 | GA | | GA | GA |
| | Dau | S | Female | B | 9 | AL | | GA | GA |
| | Dau | S | Female | B | 7 | AL | | GA | GA |
| | Dau | S | Female | B | 3 | AL | | GA | GA |
| | Dau | S | Female | B | 1 | AL | | GA | GA |

Source Information:

Census Place Reeltown, Tallapoosa, Alabama
 Family History Library Film 1254033
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